

REMARKS

Applicants respectfully request reconsideration of the present application based on the foregoing amendments and following remarks. By this amendment, Claim 2 is cancelled, and Claims 1 and 3-6 have been amended. New Claims 7-16 have been added. Upon entry of the Amendment herein, Claims 1 and 3-16 are pending in the application.

Claim Rejections Under 35 USC 112 First and Second Paragraphs

Claims 1-6 were rejected under 35 USC 112 First and Second Paragraphs. Claim 2 has been canceled rendering its rejection moot. The Examiner appears to have interpreted the description “discrete, non-continuous” to qualify the reference signal 106 as a digital signal rather than a continuous analog signal. Applicants have amended claims 1 and 3-6 to delete the phrase “discrete, non-continuous.” Applicants believe that amended Claims 1 and 3-6 now have language that satisfies the requirement of 35 USC 112 First and Second Paragraphs, and therefore, respectfully request withdrawal of the rejection.

Claim Rejections Under 35 USC 103(a)

Claims 1-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Moringa et al. (JP07-106920, hereinafter Moringa) in view of Patrick et al. (US Patent No. 6,928,275, hereinafter Patrick). Applicants traverse the rejection based on the following reasons.

Claim 2 has been canceled with its subject matter being incorporated in the amended Claim 1. Therefore the rejection of Claim 2 is moot.

Regarding independent Claims 1 and 5, both have been amended to more clearly recite features that are entirely different from Moringa. For example, both the amended Claims 1 and 5 recite:

“comparing respective frequencies of the digital samples of the external reference signal and the sampling clock signal[.]”

Moringa does not teach an external reference signal at all. In Moringa, the error detector circuit 11, which is allegedly equivalent to the local oscillator frequency error estimator module 104 of the present invention, is in a feedback path that takes the output of the A/D converters 7 and 8 of Moringa. The A/D converters 7 and 8 in Moringa generate *digital samples of an actual communication signal to be processed*, in contrast to the external reference signal in the present invention, separate from the actual GPS signals received and processed by the GPS receiver.

The Examiner has admitted that Moringa does not explicitly disclose GPS receiver, and has applied the secondary reference Patrick to teach a GPS receiver. But Patrick still does not cure the above-discussed deficiency of Moringa. Moreover, both Patrick and Moringa fail to disclose, “*comparing respective frequencies of the digital samples of the external reference signal and the sampling clock signal[.]*”

Therefore, the combination of Moringa and Patrick does not constitute a prima facie case of obviousness. Accordingly, independent Claims 1 and 5 should be allowed. Dependent Claims 3-4 should be allowed at least for their dependency from allowable independent Claim 1.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Moringa in view of Patrick, and further in view of Evans et al. (US Patent No. 6,240,556, hereinafter Evans).

The Examiner has applied Evans to allegedly teach a microprocessor for executing the signal processing. However, Evans still do not cure the deficiency of the combination of Moringa and Patrick, as discussed above. Therefore, Claim 6 should be allowable at least for being dependent from allowable independent Claim 5.

Accordingly, Applicants respectfully request withdrawal of all 35 USC 103 rejections, and allow Claims 1 and 3-6.

New Claims

New claims 7-11 depend variously from allowable independent Claim 1, and dependent Claims 12-16 depend variously from independent Claim 5. New Claims 7-16

should be allowable at least owing to their dependency, as well as for their own patentable features.

Conclusion

All rejections having been addressed, the claims are believed to be in form for allowance, and Notice thereof is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: November 24, 2009



40,580

Registration No.

Mark J. Danielson

Telephone: 650-233-4777

Please reply to Customer No. 27498